HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.10104 of 2001

Dated 4th day of July, 2007

Between:

The Deccan Club,
Regd. In accordance with the provisions of
A.P. (Telangana Area) Public Societies
Registration Act, 150 F, rep. by its
Hony. Secretary, Charanjit Singh ..
Petitioner

And

The Govt. of A.P.,
Rep. by its Secretary,
Home Development,
A.P. Secretariat, Hyderabad
and three others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in high-handedly ordering closure of the card-room of the petitioner-club wherein the members of the petitioner play the games of Rummy and Bridge, as arbitrary and illegal, and consequently direct the respondents not to interfere with the activities of the petitioner-club.

The case of the petitioner-club is that the Club, which was registered under the provisions of A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli, caters to the needs of its members by providing various facilities. In the card room of the club, the members have been playing Rummy, which is a skilled game, and also the game of Bridge for several years. No member of the club plays any other game, which falls within the meaning of A.P. Gaming Act, 1974 (for brevity "the Act"). Now, the petitioner's grievance is that the respondents, without following due procedure under law, are trying to interfere high-handedly with the members of the club by ordering stoppage of paying Rummy.

A counter affidavit is filed wherein it is stated that a case in Cr.No.85 of 2001 was registered under Sections 3 and 4 of the Act against 20 members of the Club. The petitioner-club filed Crl.P.No.2089 of 2001 seeking to quash the proceedings in Cr.No.85 of 2001 and by virtue of the interim order dated 8.6.2001 passed by

this Court, investigation could not be completed.

Now, the learned counsel for the petitioner has brought to my notice that this Court, subsequently decided Crl.P.No.2089 of 2001 by allowing the members of the petitioner-club to play the games of Rummy and Bridge in the card-room of the club, and thus, quashed the proceedings in Cr.No.85 of 2001. Further, the law on this aspect is clear that "Rummy" is a skilled game, as such, it does not attract the provisions of Sections 3 and 4 of A.P. Gaming Act. Hence, this Court is of the view that the registration of the crime and the closure of the card-room of the petitioner-club are definitely illegal.

In the result, the writ petition is allowed and the respondents are directed to permit the members of the petitioner-club to play the games of only Rummy and Bridge in the club premises, however it does not mean that under the guise of this order, the members of the petitioner-club can play any other game which falls within the meaning of Sections 3 and 4 of the Act. No costs.

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04.07.2007

bcj